

REMARKS

Claims 1 - 14 are pending in this application, of which claims 5 and 11 have been withdrawn from consideration. By this Amendment, claim 12 has been amended. Applicant respectfully submits that no new matter has been added. It is therefore believed that this Amendment is fully responsive to the Office Action dated July 1, 2003.

35 U.S.C. §112, First Paragraph, Rejection:

Claims 1, 2, 4, 6 - 10 and 12 - 14 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This rejection is respectfully traversed.

Independent Claims 1 and 6:

With regard to claims 1 and 6, the Examiner takes the position that the specification does not disclose the lower wiring layer or the upper wiring layer features of claims 1 and 6.

However, the Examiner's position is clearly overcritical since the specification discloses on page 7, lines 8 - 10, that the lower and upper dielectric films 10, 30 with the lower and upper pads

11, 31 define lower and upper wiring layers, respectively. Further, page 7 with reference to Figs. 4 and 5, discloses corresponding openings 11g and 31g, wherein conductive portions 11m and 31m fill the respective openings 11g and 31g, and at least one dielectric member 11i, 31i is embedded in the conductive portions 11m and 31m, respectively.

In view of the above, it is respectfully submitted that the specification does provide proper support for the lower wiring layer and the upper wiring layer features of claims 1 and 6.

Independent Claim 12:

With regard to claim 12, the Examiner takes the position that the specification does not disclose a lower (upper) conductive portion of a lower (upper) wiring layer which includes a lower (upper) through hole, a conductive metal filling the lower (upper) through hole and at least one dielectric member enclosed by conductive metal.

However, claim 12 has been amended to recite a lower wiring layer arranged on the semiconductor substrate and having a lower pad, wherein the lower pad includes a lower through hole, a lower conductive metal filling the lower through hole, and at least one dielectric member enclosed by the conductive metal; ... and an upper wiring layer arranged on the interlayer dielectric film having an upper pad, wherein the upper pad includes an upper through hole, an upper conductive metal filling the upper through hole, and at least one dielectric member enclosed by the

conductive metal, and wherein the upper conductive metal is electrically connected to the lower conductive metal via the contact wiring of the interlayer dielectric film.

It is respectfully submitted that support for these amendments to claim 12 are provided in the present specification on page 7, lines 22 - 27 which calls for "each lower pad 11 includes a metal conductive portion 11m and island-like dielectric films 11i, each of which are encompassed by the conductive portion 11m. The island-like dielectric films 11i are arranged in an opening 11g separated from one another."

In view of the above, withdrawal of the rejection of claims 1, 2, 4, 6 - 10 and 12 - 14 under 35 U.S.C. §112, first paragraph, is respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN



Thomas E. Brown
Attorney for Applicant
Reg. No. 44,450

TEB/kal

Atty. Docket No. **020167**
Suite 700
1250 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 822-1100

* 38834 *

38834

PATENT TRADEMARK OFFICE